



**UNITED STATES DEPARTMENT OF COMMERCE**  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/041,538	03/11/98	MENARD	D 1948-4293USI

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IM22/0829

EXAMINER

SINGH, A

ART UNIT

PAPER NUMBER

1771

16

DATE MAILED:

08/29/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/041,538**

Applicant(s)  
**Menard et al.**

Examiner  
**Ms. Arti R. Singh**

Group Art Unit  
**1771**



☒ Responsive to communication(s) filed on amendment filed on 07/07/2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-7, 9-11, 25, and 28 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-7, 9-11, 25, and 28 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **DETAILED ACTION**

1. The Examiner has carefully considered Applicant's amendments and accompanying remarks filed on 07/07/2000. Applicant's amendments to the specification, claim 1 and 11 have been entered. Applicant's amendment's/cancellation of claims 8, 10, 11 and 26 are found to relieve the 112 § 2nd rejection made in paragraphs 5 -7 of the previous office action. The objection made on the drawings is also withdrawn as Applicant has submitted corrected informal drawings. The rejection made under 35 USC § 102 and 103 are maintained and have been modified to eliminate the canceled claims.

#### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-7, 9-11, 25 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Bortz (US 5,646,076).

#### ***Claim Rejections - 35 USC § 103***

4. Claims 6, 7 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bortz as applied to claims 1-7, 9-11, 25 and 28 above, and further in view of Suzuki (US 5,823,314).

#### ***Response to Arguments***

5. Applicant's arguments filed on 07/07/2000 have been fully considered but they are not persuasive. With regards to Applicant's arguments over the 35 USC § 102 and 103 rejections and that a polar solvent is not present is not persuasive as Bortz in column 11 lines 38 teaches that the fibrous form is impregnated, saturated, sprayed, roller-applied or otherwise compounded with an organic polymer material in solution, suspension or gum. The Examiner accepts this statement to mean that both solvents are present i.e. nonpolar and polar, and hence held in

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"suspension". Thus these rejections are maintained as they either clearly anticipate or obviate the elements sought in claims 1-7, 9-11, 25 and 28. Furthermore, the presence of a solvent is a method limitation and not present in the final product, and it is the final product that is being claimed.

6. Any inquiry regarding this communication or earlier communications from the Examiner should be directed to Arti Singh, whose telephone number is (703) 305-0291. The Examiner can normally be reached Monday through Friday from 8 AM to 5 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor Mr. Terrel Morris, can be reached at (703) 308-2414. A Facsimile center has been established in Group 1700 on the 8th floor of Crystal Plaza 3. The hours of operation are Monday through Friday 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machine is (703) 305-5408. This location should be used in all instances when faxing any correspondence to Art Unit 1771. Use of the Group 1700 center will facilitate rapid delivery of materials to Examiners in Art Unit 1771.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-2351.



Ms. Arti Singh  
Patent Examiner  
Art Unit 1771  
August 21, 2000



TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
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